

Message Text

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ACTION EUR-12

INFO OCT-01 IO-14 ISO-00 AGRE-00 COME-00 AID-05 CEA-01
CIAE-00 EB-08 FRB-01 INR-07 NSAE-00 SP-02 STR-05
TRSE-00 LAB-04 SIL-01 OMB-01 /062 W
-----023963 040126Z /64

R 031522Z NOV 77
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 2914
INFO ALL EC CAPITALS
AMEMBASSY PARIS
USMISSION GENEVA

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USEEC

PASS AGRICULTURE ELECTRONICALLY, ALSO PASS MITCHELL/
COMMERCE
PARIS ALSO FOR USOECD
GENEVA ALSO FOR USMTN

E.O. 11652: N/A
TAGS: EAGR, EEC
SUBJ: PROPOSED AMENDMENT TO EC DIRECTIVE ON PREPACKAGED
LIQUIDS AFFECTS FRUIT AND VEGETABLE JUICES

REF: EC A-80 OF 2/27/75

1. SUMMARY: A PROPOSED AMENDMENT TO ANNEX III OF EC
COUNCIL DIRECTIVE 75/106 ON PREPACKAGING OF LIQUIDS
(REFAIR) WOULD APPEAR TO ELIMINATE THE U.S. 24 FLUID
OUNCE CAN SIZE FROM THE EC'S CURRENT PERMITTED LIST
AFFECTING TRADE BETWEEN MEMBER STATES AND WITH THIRD
COUNTRIES. END SUMMARY.

2. THE PROPOSED DIRECTIVE WAS SUBMITTED TO THE COUNCIL
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ON OCTOBER 4. IF ADOPTED, IT WOULD ALLOW MEMBER STATES
AFTER DECEMBER 31, 1982, TO PROHIBIT IN INTRA-COMMUNITY
TRADE OR AS IMPORTS FROM THIRD COUNTRIES NON-CONCENTRATED
FRUIT AND VEGETABLE JUICES (CXT 20.07) PACKAGED IN
VOLUMES BELOW 0.125 LITERS OR IN VOLUMES OF 0.20 OR 0.70
LITERS. THIS ACTION IS BEING TAKEN BY THE COMMISSION TO
COMPLY WITH A COUNCIL REQUEST TO PROVIDE BETTER PROTECTION

TO CONSUMERS THROUGH CONTAINER STANDARDIZATION AND THE ELIMINATION OF VALUES (NOMINAL VOLUME OF CONTENTS OF CONTAINERS) THAT ARE TOO CLOSE TO ONE ANOTHER BUT CURRENTLY PERMITTED BY DIRECTIVE 75/106. THE VALUES FOR NON-CONCENTRATED FRUIT AND VEGETABLE JUICES TO FINALLY BE PERMITTED BY THE CURRENT PROPOSAL WOULD INCLUDE THE 0.125, 0.25, 0.33, 0.50, 0.75, 1.0, 1.5, 2, 3, 4, AND 5 LITER VOLUMES.

3. ACCORDING TO NATIONAL CANNERS ASSOCIATION DATA, ONLY THREE U.S. JUICE CANS CURRENTLY APPEAR TO BE PERMISSIBLE FOR IMPORT INTO THE EC IN ACCORDANCE WITH ANNEX III OF EC DIRECTIVE 75/106. THESE ARE THE 24 FLUID OUNCE (710 MILILITER), THE 12 FLUID OUNCE (355 MILILITER) AND THE 6 FLUID OUNCE (177 MILILITER) SIZES. OF THESE, THE 6 AND 12 FLUID OUNCE SIZES ARE PROVISIONALLY PERMITTED ONLY THROUGH 1980. THE PROPOSED AMENDMENT WOULD TRANSFER THE 0.70 LITER VOLUME (EQUIVALENT TO THE U.S. 24 FLUID OUNCE CAN) CURRENTLY IN THE "FINALLY PERMITTED" LIST (COLUMN I) OF ANNEX III TO A "TEMPORARILY AUTHORIZED" LIST (COLUMN III) THAT WOULD REQUIRE MEMBER STATES TO ACCEPT SUCH VOLUMES ONLY UNTIL DECEMBER 31, 1982 AND ONLY IF THESE VOLUMES HAD BEEN ACCEPTED BY THOSE COUNTRIES ON DECEMBER 31, 1973.

4. ALSO, AS THE PROPOSAL WOULD LEAVE UNCHANGED COLUMN II UNCLASSIFIED

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OF ANNEX III WHICH REQUIRES MEMBER STATES TO ACCEPT ONLY THROUGH 1980 THE VOLUMES THEREIN SPECIFIED (WHICH INCLUDES THE 6 AND 12 FLUID OUNCE U.S. SIZES FOR FRUIT AND VEGETABLE JUICE) IT WOULD APPEAR THAT U.S. EXPORTS OF NON-CONCENTRATED FRUIT AND VEGETABLE JUICES COULD BE EXCLUDED FROM THE COMMUNITY AFTER 1982. INDIVIDUAL MEMBER STATES WOULD STILL BE AT LIBERTY TO ACCEPT, FOR USE WITHIN THEIR OWN TERRITORIES, IMPORTS OF FRUIT AND VEGETABLE JUICE CONTAINERS NOT MEETING THE STANDARDS OF ANNEX III; HOWEVER, THE ADOPTION OF THE PROPOSED AMENDMENT COULD PREVENT THE FREE MOVEMENT OF THESE CONTAINERS WITHIN THE COMMUNITY.

5. ACCORDING TO THE COMMISSION OFFICIAL RESPONSIBLE FOR PACKAGING LEGISLATION, THE COUNCIL IS NOT LIKELY TO TAKE UP THE PROPOSAL FOR AT LEAST 6 MONTHS. HE SAID, HOWEVER, THAT IT WOULD BE CONTRARY TO THE PURPOSE OF CONTAINER STANDARDIZATION AND VERY DIFFICULT AT THIS STAGE FOR THE COMMUNITY TO ADD NEW VALUES TO THOSE CURRENTLY PERMITTED IN COLUMN I OF ANNEX III OF COUNCIL DIRECTIVE 75/106; FOR EXAMPLE, TO SHIFT FROM COLUMN II (PROVISIONALLY ALLOWED) TO COLUMN I (FINALLY PERMITTED) PARTICULAR

VALUES OF INTEREST TO INDIVIDUAL MEMBER STATES OR THIRD COUNTRIES. HE INDICATED, ON THE OTHER HAND, THAT THERE COULD LIKELY BE A BIT MORE FLEXIBILITY IN REGARD TO RETAINING CERTAIN VALUES CURRENTLY IN THE PERMITTED COLUMN OF ANNEX III OF COUNCIL DIRECTIVE 75/106 (BUT SLATED FOR REMOVAL TO COLUMN III BY THE PROPOSED AMENDMENT) IF A GOOD CASE COULD BE PRESENTED FOR DOING SO.

6. THE MISSION RECOMMENDS THAT THE DEPARTMENT DETERMINE THE POTENTIAL TRADE IMPACT OF THE PROPOSAL TO REMOVE THE

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TRSE-00 LAB-04 SIL-01 OMB-01 /062 W
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R 031522Z NOV 77
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0.70 LITER VOLUME FOR NON-CONCENTRATED FRUIT AND VEGETABLE JUICES FROM THE "FINALLY PERMITTED" LIST. IF ASSESSMENT WARRANTS, WASHINGTON MAY WISH TO INSTRUCT THIS MISSION AND EMBASSIES IN THE MEMBER STATE CAPITALS TO MAKE APPROPRIATE REPRESENTATIONS.

7. COPIES OF THIS PROPOSAL ARE BEING SENT TO MESSRS. SCHROETER (USDA/FAS) AND CASEY (EUR/RPE/STATE). MORRIS

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 03-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Executive Order: N/A
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